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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,803	08/04/2003	John H. Wurster	414.035 CON	7425

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,803

Applicant(s)

WURSTER ET AL.

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on March 08, 2005 has been entered. Claims 1-3, 7, 10-12, 14, and 18-20 have been amended. No claims have been canceled. Claims 21-25 have been added. Claims 1-25 are pending in this application, with claims 1, 10, 18, and 20 being independent.

Information Disclosure Statement

2. The information disclosure statement filed 11/04/2003 fails to comply with 37 CFR 1.98(a)(2). Only the IDS statement has been received. No PTO/SB/08 form or copies of the references have been received. Applicant is reminded that a copy is required of each cited patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 10-20, 22-23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Pepper et al (5,930,700).

Regarding claims 1, 5, 7-8 and 20, Pepper teaches recognizing a condition (this reads on alerting the subscriber that there is a pending call, see col. 6, lines 42-46); initiating a first call including transmitting a call set-up message (this reads on the caller identification information that is sent to the called party, see col. 6, lines 12-22) indicating a special calling party number (this reads on the caller ID for calling party, i.e., calling party telephone number, see col. 6, lines 12-17 and/or calling party PIN, see col. 12, lines 60-63); detecting an AIN trigger when said call reaches a point in the telecommunications network (this reads on the arrival of an incoming call, which is detected at the TNI 304, which alerts the service control module 306 when the call has been received, see col. 6, lines 12-15). The limitations "Transmitting a query message to a control point in the telecommunications network, said query message including said special calling party number; receiving said query message at said control point" are inherent in Pepper system since all the details record regarding the call must be stored in the database, (see col. 9, lines 58-65). Pepper also teaches storing in response to said special calling party number an indicator of said condition in response to receiving said special calling party number (see col. 9, lines 58-65).

Claims 2, 4, 10-11 and 18 are rejected for the same reasons as discussed above with respect to claim 1. Also the limitation of "updating said indicator of said condition in

response to receiving said other special calling party number” as recited in claims 2 and 4 simply reads on receiving another call from another calling party and repeating the method of claim 1. For “setting a flag” as recited in claim 8, this basically reads on the notification that is provided to the subscriber via pop-up window 1100 as seen in Fig. 11 at the arrival of a new message (see col. 6, lines 55-54). The claimed “plurality of SSPs” and “ a database storing call processing records” reads on the elements in prior art Figs. 1 and 3-4. The claimed database reads on SCP 105 in fig. 4. For claim 10, the claimed “private operations data network” reads on communication network 102 in Fig. 5.

Regarding claims 3 and 19, Pepper teaches said special party numbers are different invalid calling party number (this basically reads on the calling party entering unidentified number, see col. 6, lines 17-24).

Claim 6 recites “said step of detecting an AIN trigger is performed at a terminating switch serving a subscriber telephone line”. This limitation is inherent within AIN.

Claims 12-14 are rejected for the same reasons as discussed above with respect to claims 1, 3, and 7-8 respectively.

Regarding claim 15, Pepper teaches local switches points (SSP 118 in Fig. 4) serving one subscriber (see Fig. 4).

Claim 16 recites "a database comprises a service control point connected to said private operation data network", (see element 506 or 508 within TNI 304 which can be located within SCP 105 that is connected to communication network 102 as shown in Fig. 5, see also col. 7, lines 14-17).

Claim 17 recites the use of common channel signaling, which is inherent in an AIN environment.

Claims 22 and 25 recite a TCAP message transmitting between the SSP and the SCP. The use of TCAP message is inherent within AIN. Communication messages between SSP and an SCP are also inherent.

Claim 23 recites "processing in a response to said indicator, a subsequent second call initiated to the same telephone number as said first call". This basically reads on receiving another call and this is inherent in the system. Inherently a system receives more than one call.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper.

Regarding claim 9, Pepper does not specifically teach transmitting a disconnect request.

However, it teaches that a message will be sent from the calling party to the called party and this message can have any kind of contents (see col. 9, lines 61-65 and col. 10, lines 28-35). The limitation basically reads on the calling party sending a request to the called party asking him/her to disconnect from the line if he/she is currently engaged in a call conversation for example.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the calling party sending a disconnect request message to the called party to inform him/her (called party) that the he/she (calling party) would like to talk to him/her (calling party) at the moment. Advantages of such a limitations are well known in the art such as speaking to the called party in the event of an emergency (i.e., a parent trying to reach a child at home who is either speaking on the phone with friend or engaged in on-line session).

Regarding claims 21 and 24, the use of an ISDN user part message would have been obvious in Pepper, since Pepper teaches in the Fig. 1 prior art the use of an ISDN. Thus, the use of ISUP would have been obvious in an ISDN environment.

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Rasha S. Al-Aubaidi
Art Unit 2642
05/19/2005


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
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